REDACTED FOR PUBLIC INSPECTION

May 10, 2013

VIA ELECTRONIC DELIVERY

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Room TWA325
Washington, DC 20554

Re: Notice of *Ex Parte* Presentation
         CG Docket No. 02-278

Dear Ms. Dortch:

On Thursday, March 21, 2013, representatives from Global Connect LLC ("Global Connect");
Dial Connection, LLC ("Dial Connection"); and Varolii Corporation ("Varolii") met with representatives
of the Commission's Consumer & Governmental Affairs Bureau ("Bureau") to discuss
Communication Innovators' ("CI's") pending Petition for Declaratory Ruling ("Petition") regarding the
non-telemarketing use of predictive dialers under the Telephone Consumer Protection Act
("TCPA").[1] During the meeting, the representatives agreed to provide additional technical materials
regarding how today's predictive dialer solutions are used to place non-telemarketing calls.

On Wednesday, May 8, 2013, Michele C. Farquhar and Mark W. Brennan from Hogan
Lovells US LLP, counsel to CI, had a teleconference with Mark Stone, Kurt Schroeder, John B.
Adams, and Kristi Lemoine from the Bureau to follow up on the March 21 meeting.

The CI representatives discussed the attached materials and encouraged the Bureau to
grant the CI Petition. Attachment A to this letter includes detailed technical materials from Global
Connect, Dial Connection, and Varolii – three of today's leading predictive dialer solutions providers.
The materials describe the user interfaces and substantial programming steps required before
parties can place live, non-telemarketing calls using their respective solutions. The materials also
include a diagram of how live representatives are connected to consumers via today's predictive
dialer solutions.

As the representatives explained, the materials demonstrate that these leading solutions do
not have the "present capacity" or "current ability" to generate, store, or dial random or sequential
numbers. Indeed, the representatives noted that the materials confirm that many of today's

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[1] *See Ex Parte* Letter from Global Connect LLC, *et al.*, CG Docket No. 02-278 (filed Mar. 25, 2013).

predictive dialer solutions are software- or cloud-based application platforms. Companies using these solutions are required to set up detailed "profiles" for each consumer, with multiple (sometimes dozens) of data fields that must be filled out before a single call can be made. As confirmed by these materials, callers cannot simply load telephone numbers into a predictive dialer and start calling, as the dialer would reject such call attempts.

The representatives also confirmed that callers using predictive dialers have no need for or incentive to call random or sequential numbers. Instead, they use the solutions to place calls to specific individuals and for specific non-telemarketing purposes, such as customer service. As indicated in the materials, predictive dialer solutions also enable companies to apply specific, auditable controls regarding call times, number of attempts, and other factors.

Attachment B to this letter includes signed declarations from Global Connect; Dial Connection; Varolii; and SoundBite Communications, Inc. – another leading predictive dialer solutions provider. These declarations confirm that today's solutions do not have the "present capacity" or "current ability" to generate, store, and dial random or sequential telephone numbers. Specifically, they do not have random or sequential number generation, storage, and dialing as a functioning feature, and they cannot function unless the caller provides specific telephone numbers and other account or customer information. Clients cannot use these solutions to randomly or sequentially generate, store, or dial telephone numbers without fundamentally changing the hardware or software.

Pursuant to Section 1.1206(b) of the Commission's rules, I am filing this notice electronically in the above-referenced docket. Please contact me directly with any questions.

Respectfully submitted,

/s/ Mark W. Brennan

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cc: Mark Stone
Kurt Schroeder
John B. Adams
Kristi Lemoine

Attachment A

Entire Attachment Redacted

Attachment B

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the Matter of	)
	)
Rules and Regulations Implementing the	)
Telephone Consumer Protection Act of 1991	) **CG Docket No. 02-278**

DECLARATION OF DAVID W. SARGENT

I, David W. Sargent declare as follows:

1.   I am the Executive Vice President of Dial Connection LLC ("Dial Connection"), which is located at 309 Fellowship Road, Suite 200, Mt. Laurel, NJ 08054. I have personal knowledge of the matters contained herein.

2.   Dial Connection's flagship product is the DialIntelligence application. The DialIntelligence application provides customer care management solutions for inbound and outbound contact centers. The product is a comprehensive solution that includes a customizable customer relationship management package, call recording and monitoring, messaging, text-to-speech, and other features.

3.   The DialIntelligence application does not have the "present capacity" or "current ability" to generate, store, and dial random or sequential telephone numbers. Specifically, it does not have random or sequential number generation, storage, and dialing as a functioning feature, and Dial Connection does not offer that feature to its customers. Customers cannot randomly or sequentially generate, store, or dial telephone numbers using the DialIntelligence without fundamentally changing its hardware or software.

4.   The DialIntelligence application cannot function unless the caller provides specific telephone numbers and other account or customer information.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed on: May 2, 2013

David W. Sargent

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the Matter of)
)
Rules and Regulations Implementing the)
Telephone Consumer Protection Act of 1991)   CG Docket No. 02-278

DECLARATION OF DARRIN R BIRD

I, Darrin R Bird, declare as follows:

1.   I am the Chief Operating Officer of Global Connect LLC, which is located at 5218 Atlantic Avenue, Suite 300 Mays Landing, New Jersey. I have personal knowledge of the matters contained herein.

2.   Global Connect LLC markets the Global Connect Peak Dialer (GC1 Peak Dialer).

3.   The GC1 Peak Dialer does not have the "present capacity" or "current ability" to generate, store, and dial random or sequential telephone numbers. Specifically, it does not have random or sequential number generation, storage, and dialing as a functioning feature, and Global Connect LLC does not offer that feature to its customers. Customers cannot randomly or sequentially generate, store, or dial telephone numbers using the GC1 Peak Dialer without fundamentally changing its hardware or software.

4.   The GC1 Peak Dialer cannot function unless the caller provides specific telephone numbers and other account or customer information.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed on: May 2, 2013

Darrin R Bird

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the Matter of	)
	)
Rules and Regulations Implementing the	)
Telephone Consumer Protection Act of 1991	) **CG Docket No. 02-278**

DECLARATION OF Brian Moore

I, Brian Moore, declare as follows:

1.   I am the Executive Director of Varolii Corporation, which is located at 821 2nd Ave, Suite 1000, Seattle, WA 98104. I have personal knowledge of the matters contained herein.

2.   Varolii Corporation markets the Varolii Interact Cloud Dialer, which is a Predictive Dialing System.

3.   The Varolii Interact Cloud Dialer does not have the "present capacity" or "current ability" to generate, store, and dial random or sequential telephone numbers. Specifically, it does not have random or sequential number generation, storage, and dialing as a functioning feature, and Varolii Corporation does not offer that feature to its customers. Customers cannot randomly or sequentially generate, store, or dial telephone numbers using the Varolii Interact Cloud Dialer without fundamentally changing its hardware or software.

4.   The Varolii Interact Cloud Dialer cannot function unless the caller provides specific telephone numbers and other account or customer information.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed on: May 2, 2013

Brian Moore

DECLARATION OF SOUNDBITE COMMUNICATIONS

I, John Tallarico, declare as follows:

1.   I am the Vice President of Product Management at SoundBite Communications located at 22 Crosby Drive, Bedford, Massachusetts 01730. I have personal knowledge of the matters contained herein.

2.   SoundBite Communications markets the SoundBite Engage Platform, a hosted outbound communications platform primarily consisting of voice ports connected to the public network (VoIP), application logic, and a database. The platform is housed in separate data centers in the United States and United Kingdom. The Technology has been in use for over 11 years.

3.   To operate the SoundBite Engage Platform, clients provide a list of phone numbers to be dialed. SoundBite requires our customers to represent they will run their campaigns in compliance with and according to best business practices, as well as local and federal laws.

4.   The SoundBite Engage Platform (a) does not have the capacity to generate telephone numbers using a random or sequential number generator; (b) it cannot function without a list of telephone numbers provided by its clients; and (c) it does not have the capacity to randomly or sequentially generate telephone numbers using a number generator without fundamentally changing the architecture of the hardware and software.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed on: March 8, 2013

John Tall

John Tallarico

State of Massachusetts, County of Middlesex, On this _8th_ day, 20_13_, before me did appear John Tallarico to me personally known, to be the person whose name is subscribed to the foregoing instrument an acknowledged to me that the executed the same for purposes and consideration therein expressed.

Given under my hand and seal of office this ___8th___ day of __2013__ , (year).

Danielle R Flynn

Notary Public's Signature

DANIELLE R FLYNN
Notary Public
COMMONWEALTH OF MASSACHUSETTS
My Commission Expires
August 10, 2018